

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/676,825	HAMMERICH ET AL.	
	Examiner Thuy Dao	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed 03/04/09.
  2.  The allowed claim(s) is/are 1,11,21,23,24 and 26-29 (renumbered 1-9).
  3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All
    - b)  Some\*
    - c)  None
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**
4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
    - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
  6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

/Tuan Q. Dam/  
Supervisory Patent Examiner, Art Unit 2192

**DETAILED ACTION**

1. This action is responsive to the amendments filed March 4, 2009. In the instant amendment, claims 1, 11, 21, 23, and 24 have been amended; claims 2, 12, 22, and 25; and claims 26-29 have been added.
2. The object to claims 1, 2, 11, 12, and 21 is withdrawn in view of Applicant's amendments.
3. Claims 1, 11, 21, 23, 24, and 26-29 have been examined, and all remained pending claims are allowed (renumbered 1-9).

**Examiner's Amendments**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
5. Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas, Registration No. 64,421, on May 27 and May 29, 2009 to obviate any 35 USC 112 issue and put the claims in condition for allowance.

**IN THE CLAIMS:**

Claims 1, 11, 21, 23, 24, and 26-29 are amended as follows:

**Claim 1 (Currently Amended),**

Line 15, before "script code section", insert generated.

**Claim 11 (Currently Amended),**

Line 17, before "script code section", insert generated.

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**Claim 21 (Currently Amended),**

Line 15, before "script code section", insert generated.

**Claim 23 (Currently Amended),**

Line 3, before "script code section", insert generated.

Line 4, before "script code section", insert generated.

**Claim 24 (Currently Amended),**

Line 3, before "script code section", insert generated.

Line 4, before "script code section", insert generated.

**Claim 26 (Currently Amended),**

Line 3, before "script code section", insert generated.

Line 4, before "script code section", insert generated.

**Claim 27 (Currently Amended),**

Line 2, before "script code section", insert generated.

Line 3, before "script code section", insert generated.

**Claim 28 (Currently Amended),**

Line 2, before "script code section", insert generated.

Line 3, before "script code section", insert generated.

**Claim 29 (Currently Amended),**

Beginning of line 3, before "script code section", insert generated; and

Line 3, after "representation of the", insert generated.

### **Examiner's Statement of Reasons for Allowance**

6. As Applicants pointed out in the Remarks, the prior art of record (McLaughlin) do not disclose and/or fairly suggest at least claimed limitations recited in such manners in independent claim 1 "*generating... a script code section written in a scripting language... performing usage checks on the generated script code section by extracting language elements from the generated script code section and comparing the extracted language elements with the meta-language definition module used to generate the language-dependent program*" and similarly recited in such manners in other independent claims 11 and 21 (Remarks, pp. 9-10).

These claimed limitations are not present in the prior art of record and would not have been obvious, thus all pending claims are allowed.

### **Conclusion**

7. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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If you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thuy Dao/  
Examiner, Art Unit 2192

/Tuan Q. Dam/  
Supervisory Patent Examiner, Art Unit 2192